

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES,)
)
v.) No. 04-30034-MAP
)
MICHAEL CROOKER)

DECLARATION OF SUPERVISORY DEPUTY U.S. MARSHAL
DANIEL W. SPELLACY, JR.

I, Daniel W. Spellacy, Jr., hereby declare as follows:

1. I am the Supervisory Deputy U.S. Marshal (SDUSM) for the District of Massachusetts (D/MA) sub-office in Springfield, Massachusetts. I have held the position of SDUSM since 10/24/99. I have been assigned to the Springfield sub-office since 5/5/02.
2. On June 23, 2004, defendant was arrested by the Bureau of Alcohol, Tobacco and Firearms for a weapon offense and was remanded to the custody of the U.S. Marshals Service (USMS).
3. From July 16, 2004 to May 23, 2005, while in the legal custody of the USMS, defendant was housed at the Wyatt Detention Facility (WDF), which is also known as the Central Falls Detention Facility. Pursuant to 18 U.S.C. §§ 4002, 4006, 4013, the USMS enters into agreements with jail facilities, like the WDF, to house federal detainees pending federal judicial proceedings.
4. Under the agreement pertaining to the WDF, the WDF is an independent contractor and the USMS does not supervise or oversee the day-to-day operations at the jail. WDF administrators are responsible for operating the jail facility in accordance with their ongoing practices and procedures, including subsistence, care,

classification, placement, sanitation, on-site medical care, and safekeeping of the prisoners at their facilities, including federal detainees housed at the facility.

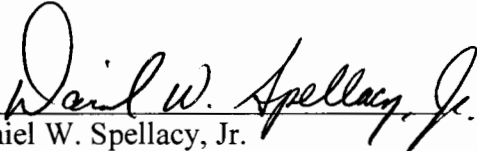
5. On November 30, 2005, U.S. District Judge Michael Ponsor, D/MA, granted defendant's Motion for an order requiring the USMS to restore defendant's commissary account finds.

6. I have been told by the WDF that funds contained in defendant's commissary account have been frozen by the WDF for damages to the jail allegedly caused by defendant.

7. The USMS played no role in this decision to freeze defendant's commissary funds.

8. Furthermore, the USMS has no control over the prisoner commissary accounts at the WDF.

I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and belief.


Daniel W. Spellacy, Jr.
Supervisory Deputy U.S. Marshal
District of Massachusetts

Executed on: March 1, 2006